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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA, NORTHERN DIVISION

AUDREY McNAMARA NEVIS,

CASE NO.: C 07 2568 MHP

Plaintiff,  
vs.

**(PROPOSED) JUDGMENT PURSUANT  
TO STIPULATION IN FAVOR OF  
PLAINTIFF AUDREY McNAMARA  
NEVIS**

WELLS FARGO BANK, et al.,

Defendants.

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In accordance with the terms of the written Stipulation for Entry of Judgment in Favor of Plaintiff Audrey McNamara Nevis and against Defendant John Spear only, filed on July 21, 2011.

THE COURT FINDS THAT:

1. Co-defendant Executive Financial Lending, Inc. ("Executive") was a California corporation licensed as a real estate broker with the California Department of Real

1 Estate. Executive.

2       2. Executive fraudulently induced Plaintiff to refinance her home located at 16  
 3 Creekside Drive in San Rafael, California ("Home") knowing that she would not be able to  
 4 afford the loan payments.

5       3. Defendant aided and abetted Executive's fraud by providing and allowing  
 6 Executive, among others, to use his real estate license for compensation without providing  
 7 proper supervision.

8       4. As a consequence of these and other omissions and fraudulent representations,  
 9 the Property, in which the owner had equity of over \$300,000 at the time of the transactions at  
 10 issue, was went into foreclosure in 2007 resulting in substantial damage to Plaintiff including  
 11 but not limited to damages for emotional distress and the loss of her Home and its equity.

12       IT IS HEREBY ORDERED AND ADJUGED THAT:

13       1. Plaintiff shall recover from Defendant John Spear the sum of Seven Thousand  
 14 Five Hundred Dollars (\$7,500) for compensatory and Two Thousand Five Hundred Dollars  
 15 (\$2,500) in punitive damages, less credit of \$125.00, plus costs of suit and attorney fees in the  
 16 amount of \$800.

17       2. This judgment is one for obtaining money by fraud, for fraud while acting in a  
 18 fiduciary capacity and for willful and malicious injury by said Defendant John Spear as  
 19 defined under 11 U.S.C. §523(a)(2), (4) and (6) of the United States Bankruptcy Code.

20       3. This judgment does not affect Plaintiff's claims against any remaining  
 21 Defendants in this action.

23       Dated: July 21, 2011

